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Meeting: 1577th meeting (December 2026) (DH)

Communication from the applicant's representative (16/11/2026) in the case of Suslov and Batikyan v. Ukraine (Application No. 56540/14)

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1577e réunion (décembre 2026) (DH)

Communication du représentant du requérant (16/11/2026) relative à l'affaire Suslov et Batikyan c. Ukraine (Requête n° 56540/14) ***[anglais uniquement]***

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

DH-DD(2026)1570: Rule 9.1 Communication from the applicant's representative in Suslov and Batikyan v. Ukraine
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DGI
16 NOV. 2026
SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

To the Committee of Ministers of the Council of Europe
Department for the Execution of Judgments
of the European Court
of Human Rights
November 16, 2026

Communication pursuant to Rule 9.1 of the Rules of the Committee of Ministers on the execution of the judgment of the ECtHR of 6 October 2022 — individual measures in respect of Merabi Suslov

Applications nos. 56540/14 and 57252/14
Suslov and Batikyan v. Ukraine

Brief description of the case and the position of the Government of Ukraine

1. This communication is submitted in addition to the previous communication of the applicant's representative of 6 January 2026 (DH-DD (2026)715) and in response to the communication of the Government of Ukraine of 16 June 2026 (DH-DD (2026)859) concerning the execution of the judgment of the European Court of Human Rights of 6 October 2022 in the case of *Suslov and Batikyan v. Ukraine*. Its purpose is to bring to the attention of the Committee of Ministers new material circumstances directly relevant to assessing the sufficiency and effectiveness of the individual measures taken by the respondent State.
2. In particular, in its communication of 16 June 2026, the Government of Ukraine asserts that the Grand Chamber of the Supreme Court, having reviewed the applicant's criminal case on 28 November 2023, excluded part of the prosecution evidence affected by the violations of the Convention established by the European Court, and found the remaining evidence sufficient to maintain the applicant's conviction and life sentence. According to the Government, such review ensured *restitutio in integrum* and, consequently, proper execution of the Court's judgment as regards individual measures.
3. The applicant fundamentally disagrees with this assessment. Despite the formal amendment of the conviction, his factual and legal situation remained unchanged: the conviction and life sentence remain in force, no new full judicial proceedings were held, and the applicant was not afforded the opportunity to exercise his rights in adversarial proceedings. Thus, from the standpoint of adopting measures of an individual nature,

the review of the case by the Grand Chamber of the Supreme Court, presented by the Government as restoration of the violated rights, proved formal and illusory in the applicant's case.

4. The applicant considers that the Grand Chamber of the Supreme Court, when reviewing the case, exceeded its powers: having excluded key and substantial prosecution evidence, it independently assessed the remainder and essentially upheld the judgment. This method of review became the subject of a new application to the European Court, no. 10860/24. Meanwhile, in the case of Alakhverdyan, involving a comparable legal problem, the Grand Chamber of the Supreme Court on 25 March 2026 quashed its previous decision and referred the case for a new examination by the court of first instance[1]. The applicant's attempt to obtain a review on the basis of newly discovered circumstances was likewise unsuccessful: on 17 September 2026 the Supreme Court refused to open proceedings.
5. Thus, the applicant calls into question the assertion of the Government of Ukraine that *restitutio in integrum* has been achieved. Namely, can the judgment of the European Court be considered executed if the review did not restore the violated rights, while the very procedure by which it was conducted became the subject of a new complaint alleging a violation of Article 6 of the Convention? Without prejudging the examination of the new application by the ECtHR, the applicant requests the Committee of Ministers to assess the effectiveness of the individual measures taken and to continue supervision of the execution of the judgment of 6 October 2022.

New practice of the Supreme Court of Ukraine and its significance for the execution of the ECtHR judgment in the applicant's case

6. In the previous communication of 6 January 2026 (DH-DD (2026)715), the applicant had already drawn the Committee of Ministers' attention to the judgment of the European Court of 26 June 2025 in *Alakhverdyan v. Ukraine (application no. 8838/20)*. In that judgment the Court found a violation of Article 6 of the Convention as a result of deficiencies in the review of the criminal case by the Supreme Court of Ukraine following an earlier ECtHR judgment. In particular, the Court noted that the exclusion of evidence followed by the Supreme Court's independent assessment of the remaining materials did not provide the applicant with full restoration of procedural guarantees. The ECtHR emphasised the insufficiency of such a limited review, in which no new trial was held that would allow the defence to participate effectively in the examination and assessment of evidence.
7. Following that judgment of the Court, events occurred which are of fundamental importance to the present case. On 25 March 2026, the Grand Chamber of the Supreme Court of Ukraine, examining an application for review in the Alakhverdyan case, quashed its previous decision of 13 November 2019 and referred the criminal case for a new examination by the court of first instance. In doing so, the Grand Chamber considered the powers provided for by Article 467 of the Criminal Procedure Code of Ukraine to quash judicial decisions and refer a case for a new examination, determining the nature of the violations of the Convention and the procedural means of remedying them. Thus, the Supreme Court not only recognised the legal possibility of a full retrial

[1] https://reyestr.court.gov.ua/Review/135350077

but also actually applied this mechanism to eliminate the consequences of the violations established by the European Court.

8. In the original applications of the applicant and Alakhverdyan, the ECtHR found different violations of Article 6 of the Convention. However, they affected key guarantees of a fair trial, above all the right to defence and the fair assessment of evidence. In executing the ECtHR judgments, the Supreme Court of Ukraine in both cases excluded part of the evidence and independently assessed the remainder, maintaining the convictions. But the subsequent outcomes were different: on 25 March 2026, in the Alakhverdyan case, the Grand Chamber quashed its previous decision and referred the case for a new examination, whereas in the applicant's case the decision of 28 November 2023 left the life sentence in force without a new full trial.
9. In its communication of 16 June 2026 (DH-DD (2026)859), the Government of Ukraine refers to the ECtHR judgment in the second Alakhverdyan case (no. 8838/20), but does not explain the significance of the subsequent Grand Chamber decision of 25 March 2026. The applicant considers that, where a similar method of review affects key guarantees of a fair trial, the difference in measures for restoring rights requires a convincing explanation. He asks the Committee of Ministers to request explanations from the Government as to why the limited review of the applicant's case is considered sufficient to achieve *restitutio in integrum*.

Alleged new violations in the applicant's case during the execution of the ECtHR judgment of 6 October 2022

10. The applicant emphasises that the procedure for reviewing his criminal case before the Grand Chamber of the Supreme Court of Ukraine on 28 November 2023, in execution of the European Court's judgment of 6 October 2022, itself became the subject of the applicant's new application to the ECtHR (no. 10860/24). That application is currently awaiting examination.
11. In the new application, the applicant alleges that the Grand Chamber of the Supreme Court, having excluded essentially the principal evidence crucial to the prosecution which was affected by the Convention violations established by the ECtHR, in fact formed a new evidentiary basis for the prosecution; independently assessed the sufficiency of the remaining evidence; and maintained the applicant's punishment — life imprisonment. At the same time, the applicant was not afforded a new trial during which he could fully exercise the rights of the defence, present his arguments, challenge the remaining prosecution evidence and participate in its direct examination.
12. Thus, by carrying out such an assessment of evidence in the framework of an exceptional review, the Grand Chamber exceeded its procedural powers and effectively substituted itself for the court of first instance, without ensuring the procedural guarantees inherent in a full adversarial trial. As a result, the Supreme Court not only failed to eliminate the consequences of the previously established violations of Article 6 of the Convention, but also applied a procedure whose compliance with the requirements of a fair trial itself raises serious doubts.
13. A similar problem concerning the effectiveness of judicial review has already been assessed by the European Court in its judgment of 26 June 2025 in the above-mentioned case of *Alakhverdyan v. Ukraine (no. 8838/20)*. In that case the ECtHR found insufficient a limited review in which the Supreme Court excluded part of the evidence

but independently assessed the remaining body of evidence without holding a full new trial. According to the applicant, precisely this method of review was also applied in his criminal case. The subsequent decision of the Grand Chamber of 25 March 2026 in the Alakhverdyan case further confirms that remedying such procedural deficiencies by means of a new trial is a legally possible, logical and practically applied remedy.

14. This calls into question the position of the Government of Ukraine that the review of 28 November 2023 ensured *restitutio in integrum*. The applicant challenges the very method of review which the State considers proper execution of the ECtHR judgment. In his opinion, this procedure did not restore the key guarantees of a fair trial and may have entailed new violations of Article 6 of the Convention.
15. Thus, the review of a criminal case does not in itself mean that the ECtHR judgment has been executed. What is decisive is whether the consequences of the established violations of Article 6 of the Convention were eliminated and whether the applicant was given a genuine opportunity to benefit from the guarantees of a fair trial. In the applicant's case, the Supreme Court not only excluded precisely the key prosecution evidence, but also independently assessed the remainder, maintaining the conviction and life sentence without new adversarial proceedings. In the applicant's opinion, such a review did not restore the violated rights, but merely preserved the consequences of the originally unfair trial and, moreover, was accompanied by new violations of Article 6 of the Convention.
16. The applicant requests the Committee of Ministers, without prejudging the outcome of application no. 10860/24, to assess whether the review of 28 November 2023 ensured genuine restoration of his violated rights and whether the individual measures were sufficient.

Subsequent events in the applicant's case and the absence of effective restoration of the applicant's rights

17. Following the review of the applicant's criminal case on 28 November 2023, additional circumstances arose which cast doubt on the objective impartiality of the composition of the Grand Chamber of the Supreme Court of Ukraine. In particular, on 29 May 2026 the High Council of Justice of Ukraine adopted a decision temporarily suspending Judge I. V. Hryhorieva, who had sat on the Grand Chamber in the applicant's case, from administering justice in connection with criminal proceedings against her. In those proceedings Judge Hryhorieva expressly mentioned the applicant's criminal case and her attitude towards the outcome of its examination by the Grand Chamber, which was directly recorded in the official record[2]. At the same time, the applicant's defence had already sought the recusal of Judge Hryhorieva during the examination of his case by

[2] In respect of Judge I. V. Hryhorieva, the NABU conducted criminal proceedings on suspicion of receiving an unlawful benefit (Article 368 § 4 of the Criminal Code of Ukraine). On 19 May 2026, she was notified of suspicion, and on 29 May 2026, the High Council of Justice, by Decision No. 1059/0/15-26, temporarily suspended her from the administration of justice. The materials of the subsequent disciplinary proceedings examined, in particular, the record of Hryhorieva's questioning of 20 May 2026, which contains information about Hryhorieva's statements concerning her participation in the examination of Suslov's case and the decision adopted by the Grand Chamber in his case. This information, taken together with the previously submitted application for the judge's recusal, raises reasonable doubts as to her objective impartiality. The significance of these circumstances is reinforced by the fact that the Grand Chamber's decision of 28 November 2023 was adopted by a majority of 10 votes to 9, and Hryhorieva was not among the nine judges who expressed a dissenting opinion and, consequently, belonged to the majority that secured the adoption of the decision.

the Grand Chamber in 2023, citing circumstances which gave rise to doubts as to her impartiality.

18. In the applicant's opinion, the subsequent official confirmation of the existence of those circumstances is of particular importance given that the Grand Chamber decision of 28 November 2023 was adopted by a majority of only one vote — 10 to 9. According to the defence, Judge Hryhorieva was among the majority which maintained the applicant's conviction and life sentence; with such a distribution of votes, her participation could have been decisive. In these circumstances, the question of her objective impartiality concerns not a secondary procedural aspect but the lawfulness and fairness of the very judicial review by means of which Ukraine claims to have executed the ECtHR judgment.
19. On 28 July 2026, the applicant's lawyer lodged with the Grand Chamber of the Supreme Court an application for review of the decision of 28 November 2023 on the basis of newly discovered circumstances under point 4 of part two of Article 459 of the Criminal Procedure Code of Ukraine. The defence relied, in particular, on the decision of the High Council of Justice of 29 May 2026 and the materials of the disciplinary proceedings relating to Judge Hryhorieva and her attitude specifically towards the applicant's case. The defence requested that the Grand Chamber decision be quashed in the part concerning him, that the judicial decisions be quashed, and that the criminal case be referred for a new examination by the court of first instance.
20. On 17 September 2026 the Grand Chamber of the Supreme Court of Ukraine refused to open proceedings. The Court reasoned that information concerning Judge Hryhorieva's possible involvement in a criminal offence had been known to the defence as early as 2023, and that the decision of the High Council of Justice of 29 May 2026 did not meet the criteria for newly discovered circumstances established by Article 459 of the Criminal Procedure Code.
21. The applicant considers that this approach did not ensure a substantive examination of the doubts which had arisen concerning the objective impartiality of the judicial composition. The substance of the defence's arguments lay not in the mere fact that the High Council of Justice had adopted a decision in 2026, but in the official confirmation, which had only then become known, of circumstances existing at the time of the review of the applicant's case in 2023 and capable of casting doubt on the impartiality of one of the judges whose participation could have affected the outcome of the review of the applicant's case.
22. Thus, the applicant's subsequent attempt to obtain a remedy for his situation through a domestic judicial mechanism was unsuccessful. The applicant continues to serve a life sentence on the basis of the conviction; no new full trial was held, and the additional circumstances concerning the impartiality of the judicial composition did not lead to a review of the decision adopted. In the applicant's opinion, these circumstances taken together further confirm that the assertion of the Government of Ukraine that *restitutio in integrum* has been achieved does not correspond to the actual results of the individual measures taken and requires further assessment by the Committee of Ministers.

Continuing consequences of the insufficiency of individual measures for the applicant

23. Despite the European Court's judgment of 6 October 2022, which established violations of the applicant's right to a fair trial, and the subsequent review of the criminal case by the Grand Chamber of the Supreme Court of Ukraine on 28 November 2023, the applicant continues to serve a sentence of life imprisonment.
24. The applicant is currently 63 years old, of which he has spent more than 16 years in detention, including more than 14 years in a solitary cell. The continuing deprivation of liberty is particularly severe for him in view of his age and the length of his detention. In these circumstances, further delay in the effective restoration of procedural rights has not only legal but also immediate practical significance for the applicant.
25. The applicant's state of health and the lack of adequate medical care give rise to additional concern. These circumstances have already been presented to the Committee of Ministers in the context of supervision of the execution of the ECtHR judgment in *Suslov v. Ukraine (application no. 46298/19)*. In particular, the communication of 21 August 2026 again reported continuing problems with health and treatment. The issue of deficiencies in the medical care provided to the applicant is already under separate supervision by the Committee of Ministers within the group of cases Logvinenko v. Ukraine. Thus, this is a continuing problem which is already under the supervision of the Committee of Ministers and aggravates the applicant's situation.
26. These circumstances are relevant to assessing the urgency and practical effectiveness of individual measures in the Committee of Ministers' further supervision. In view of the applicant's age, length of detention and state of health, further delay may substantially diminish the possibility of genuinely restoring his violated rights.

Requests to the Committee of Ministers

On the basis of the foregoing, the applicant respectfully requests the Committee of Ministers to:

1) Include this communication in the materials relating to supervision of the execution of the ECtHR judgment of 6 October 2022 in *Suslov and Batikyan v. Ukraine* and consider it as a continuation of the communication of 6 January 2026 (DH-DD (2026)715).
2) Continue supervision of the individual measures in respect of the applicant, without recognising them as fully implemented solely on the basis of the review of the criminal case by the Grand Chamber of the Supreme Court of Ukraine on 28 November 2023.
3) Invite the Government of Ukraine to provide substantive explanations of how the exclusion of part of the evidence and the independent assessment of the remaining evidence by the Grand Chamber of the Supreme Court ensured restoration of the violated procedural rights without a new trial, and also why, in the Alakhverdyan case, the same Chamber on 25 March 2026 applied a fundamentally different method of remedying comparable violations.
4) Consider the need for additional individual measures capable of ensuring genuine restoration of the applicant's procedural rights, taking into account the unsuccessful

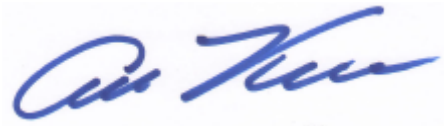
subsequent application for review on the basis of newly discovered circumstances, which ended in the refusal of 17 September 2026[3].

5) Take account of the subject matter of the new application no. 10860/24 before the ECtHR, concerning alleged violations of Article 6 of the Convention during the review of 28 November 2023, exclusively in the context of assessing the effectiveness of individual measures, without prejudging the European Court's findings on it.
6) Take into account the particular urgency of the matter in view of the applicant's continuing life imprisonment, his age, the length of deprivation of liberty and the health and medical care problems reported by him.
7) Consider the previously submitted request for application of the procedure provided for in Article 46 § 4 of the Convention, taking into account the Committee's further assessment of the completeness of execution of the judgment and the existence of the grounds for such a procedure provided for by the Convention.

Appendices:

1. Application of 28 July 2026 for review of the decision of the Grand Chamber of the Supreme Court of Ukraine of 28 November 2023 on the basis of newly discovered circumstances, including arguments concerning the objective impartiality of Judge I. V. Hryhorieva;
2. Ruling of the Grand Chamber of the Supreme Court of Ukraine of 17 September 2026 refusing to open proceedings on the application for review on the basis of newly discovered circumstances;
3. Letter of the applicant's representatives to the European Court of Human Rights of 30 October 2026 concerning application no. 10860/24.

Sincerely,



Ara Ghazaryan

Representative of Merab Suslov

[3] The applicant has exhausted the opportunity available to him to obtain a review of the Grand Chamber's decision of 28 November 2023 on the basis of newly discovered circumstances: his application of 28 July 2026 was rejected on 17 September 2026. At the same time, Ukrainian legislation provides for the right of the prosecution authorities to initiate independently a review of final judicial decisions where grounds established by law exist (Articles 36 and 459–463 of the Criminal Procedure Code of Ukraine and Article 24 of the Law of Ukraine "On the Prosecutor's Office"). Consequently, the State is not deprived of the possibility of independently examining whether grounds exist for further judicial review and taking measures to eliminate the consequences of the violations established by the ECtHR on 6 October 2022, without awaiting the ECtHR's decision on the new application No. 10860/24.